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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,367	11/12/2003	Sumant Kamboj	004.0109C1	1170

29906 7590 04/17/2006

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EXAMINER

MARCHESCHI, MICHAEL A

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,367

Applicant(s)

KAMBOJ, SUMANT

Examiner

Michael A. Marcheschi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30,35,37-43,48 and 50-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30,35,37-43,48 and 50-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>2/7/06</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 30, 35, 37-43, 48 and 50-53 are rejected under 35 U.S.C. 103(a) as obvious over James et al. in view of Bruxvoort et al., and Newell for the same reasons set forth in the previous office actions which are incorporated herein by reference.

Claims 30, 35, 37-43, 48 and 50-53 are rejected under 35 U.S.C. 103(a) as obvious over Charvat (589) in view of James et al., Bruxvoort et al., Shamouillan et al. and Newell. for the same reasons set forth in the previous office actions which are incorporated herein by reference.

Claims 30, 35, 37-43, 48 and 50-53 are rejected under 35 U.S.C. 103(a) as obvious over Charvat (420) in view of James et al., Bruxvoort et al. Shamouillan et al. and Newell for the same reasons set forth in the previous office actions which are incorporated herein by reference.

Claims 30, 35, 37-43, 48 and 50-53 are rejected under 35 U.S.C. 103(a) as obvious over Bruxvoort et al. in view of James et al., Shamouillan et al. and Newell for the same reasons set forth in the previous office actions which are incorporated herein by reference.

Claims 30, 35, 37-43, 48 and 50-53 are rejected under 35 U.S.C. 103(a) as obvious over Narayanan et al. in view of James et al., Bruxvoort et al., Shamouillan et al. and Newell for the same reasons set forth in the previous office actions which are incorporated herein by reference.

Applicant's arguments filed 2/23/06 have been fully considered but they are not persuasive.

Applicant states that the features of each references have previously been addressed and incorporates the arguments by reference into the instant response. The examiner acknowledges

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this and has previously addressed applicants remarks in the last office actions and thus any of the comment made therein are incorporated herein by reference.

Applicant focuses the remarks to James and states that the amount of the resin and filler in the James reference does not meet the claimed criteria. Applicants also state that James teaches a sweeping ratio, that when calculating all possible formulations from the broad ratio and broad amount of filler, one could practically obtain from 0-100% resin by weight with respect to the filler amount. The examiner is aware of the broad ranges, however, this reference literally defines that the ratio of high/low (resin) modulus phase is 1:1 and that the amount of filler is 80% (these values are literally defined in the reference as the ratio value and filler amount). It is these literally defined values that are used in the below calculations, which clearly shows that the outcome is an amount of resin that is within the claimed range (5-15% by weight of the filler). The calculations are defined below.

For example, assuming 100 grams of the matrix (matrix comprises both a high and low (resin) modulus phase, as well as a filler) and the filler is present in an amount of 80% (literal value defined by the reference), thus the filler is 80 grams of the matrix and the high/low modulus phase is 20 grams of the matrix. With the matrix being 20 grams and the high modulus/low modulus phase ratio is 1:1 (reference literally discloses this ratio), then the low modulus phase (i.e. resin) is 10 grams. 10 grams (amount of resin) is 12.5% of 80 grams (amount of filler), thus the resin amount in relation to the filler of the reference reads on the claimed amount (this amount being 12.5%). Finally, applicant appears to argue that the claimed relationship is important, yet no clear evidence of criticality is defined. With respect to the

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specific combinations applied, any remarks directed to these have been previously addressed (in previous responses) and are incorporated herein by reference.

In summary, since the above claimed ratio and amount of filler are literal values disclosed by this reference, these values are used to determine the claimed relationship, and when calculated, said claimed relationship is apparent. Since the literal values of the reference are used, applicants arguments with respect to the "sweeping" aspect is not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

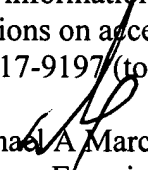
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Marcheschi whose telephone number is (571) 272-1374. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/06
MM


Michael A. Marcheschi
Primary Examiner
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